

IC 36-12-2

Chapter 2. Class 1 Public Libraries: Organization and Board Members

IC 36-12-2-1

Application of chapter

Sec. 1. This chapter applies only to Class 1 public libraries.
As added by P.L.1-2005, SEC.49.

IC 36-12-2-2

Municipal corporation; taxing unit

Sec. 2. (a) A Class 1 public library is a municipal corporation, known as _____ Public Library.

(b) In the name of the Class 1 public library under subsection (a), the public library may:

- (1) contract and be contracted with; and
- (2) sue and be sued in court.

(c) Each public library constitutes an independent taxing unit for purposes of IC 6-1.1-1-21.

As added by P.L.1-2005, SEC.49.

IC 36-12-2-3

Corporate boundaries; annexation

Sec. 3. (a) The corporate boundaries of the public library must be described in the resolution of establishment, conversion, transfer, or merger filed:

- (1) in the office of the county recorder in the county where the administrative office of the public library is located; and
- (2) with the Indiana state library.

(b) If the corporate boundaries of a unit and a Class 1 public library are coextensive, territory annexed by the unit becomes part of the library district if the annexed territory is not already part of another library district. Whenever a public library annexes territory under this subsection, the library board shall file a statement describing the annexed territory:

- (1) in the office of the county recorder in the county where the administrative office of the public library is located; and
- (2) with the Indiana state library.

If the territory annexed by a unit is already a part of another library district, the territory remains a part of the other library district unless the library boards of both public libraries pass a resolution of transfer under section 4 of this chapter.

As added by P.L.1-2005, SEC.49.

IC 36-12-2-4

Transfer of territory; procedure

Sec. 4. One (1) public library may transfer a part of the territory of the library to another public library according to the following procedure:

- (1) The library boards of each public library must pass a

resolution of transfer signed by a majority of the entire membership of each library board agreeing to the transfer.

(2) The library boards of each public library must include a description of the transferred territory in the respective resolutions of each public library.

(3) Each of the library boards must file a copy of the resolution of transfer:

(A) in the office of the county recorder in the county where the administrative office of the respective public library is located; and

(B) with the Indiana state library.

As added by P.L.1-2005, SEC.49.

IC 36-12-2-5

Establishment of library; authorization; petition or remonstrance; procedure; duties of clerk of circuit court

Sec. 5. (a) The legislative body of a municipality, township, county, or part of a county, any of which is not already taxed for public library purposes, that has:

(1) a population of at least ten thousand (10,000); or

(2) an assessed valuation that is at least as high as the median of the most recent certified assessed valuation of the ten (10) library taxing districts closest in population to ten thousand (10,000);

may establish a public library for the residents of the municipality, township, county, or part of the county.

(b) The establishment of the public library may be initiated either by:

(1) the legislative body passing a written resolution; or

(2) filing a petition with the legislative body that has been signed by at least twenty percent (20%) of the registered voters of the municipality, township, county, or part of a county, as determined by the last preceding general election.

(c) Not later than ten (10) days after a petition is filed under subsection (b)(2), the municipality, township, county, or part of a county shall give notice of the filing of the petition in two (2) newspapers of general circulation in the county, one (1) of which is published in the municipality where the library is to be located, if a newspaper is published in the municipality.

(d) Not later than ten (10) days after the publication of the petition under subsection (c), a registered voter in the municipality, township, county, or part of a county where the public library is proposed to be established may file with the respective municipality, township, or county a remonstrance that:

(1) is signed by registered voters in the municipality, township, county, or part of the county where the public library is proposed to be established; and

(2) states that the registered voters who have signed the remonstrance are opposed to the establishment of the public library.

(e) The following apply to a petition that is filed under subsection (b)(2) or a remonstrance that is filed under subsection (d):

(1) The petition or remonstrance must show the following:

(A) The date on which each individual signed the petition or remonstrance.

(B) The residence of each individual on the date the individual signed the petition or remonstrance.

(2) The petition or remonstrance must include an affidavit of the individual circulating the petition or remonstrance stating that each signature on the petition or remonstrance:

(A) was affixed in the individual's presence; and

(B) is the true signature of the individual who signed the petition or remonstrance.

(3) Several copies of the petition or remonstrance may be executed. The total of the copies constitute a petition or remonstrance. A copy must include an affidavit as described in subdivision (2). An individual who signed the petition, remonstrance, or copy may file the petition, the remonstrance, or a copy. All copies constituting a petition or remonstrance must be filed on the same day.

(4) The clerk of the circuit court in the county where the municipality, township, county, or part of a county where the public library that is proposed to be established is located shall do the following:

(A) If a name appears more than one (1) time on a petition or on a remonstrance, the clerk shall strike any duplicates of the name until the name appears only one (1) time on a petition or a remonstrance, or both, if the individual signed both a petition and a remonstrance.

(B) Strike the name from either the petition or the remonstrance of an individual who:

(i) signed both the petition and the remonstrance; and

(ii) personally, in the clerk's office, makes a voluntary written and signed request for the clerk to strike the individual's name from the petition or the remonstrance.

(C) Not more than fifteen (15) days after a petition or remonstrance is filed, certify the number of signatures on the petition or remonstrance that:

(i) are not duplicates; and

(ii) represent individuals who are registered voters in the municipality, township, county, or part of a county where the public library is proposed to be established, on the day the individuals signed the petition or remonstrance.

(D) Establish a record of the clerk's certification in the clerk's office and file:

(i) the original petition;

(ii) the original remonstrance, if any; and

(iii) a copy of the clerk's certification;

with the legislative body of the municipality, township, or county.

The clerk of the circuit court may only strike an individual's name from a petition or remonstrance as set forth in clauses (A) and (B).

(f) At the first meeting of the legislative body held at least ten (10) days after the publication of the petition, the legislative body shall compare the petition and any remonstrance. Whenever:

- (1) a remonstrance has not been filed; or
- (2) a greater number of voters have signed the petition than have signed the remonstrance against the establishment of the public library;

the legislative body shall establish by written resolution the public library with a library district coextensive with the boundaries of the unit or part of a county, whichever is applicable.

(g) The establishment of the public library is effective as of the date the written resolution is passed. The legislative body shall file a copy of the resolution not later than five (5) days after the resolution is passed:

- (1) with the county recorder in the county where the administrative office of the public library is located; and
- (2) with the Indiana state library.

(h) The legislative body shall give notice to the officials who have the power to appoint members of the library board for the new public library under section 9 of this chapter. The officials shall appoint the library board for the new public library under section 9 of this chapter as soon as possible after the officials are notified.

(i) When the number of registered voters who have signed a remonstrance against the establishment of the public library is equal to or greater than the number who have signed the petition in favor of the establishment of the public library, the legislative body shall dismiss the petition. Another petition to establish a public library may not be initiated until one (1) year after the date the legislative body dismissed the latest unsuccessful petition.

As added by P.L.1-2005, SEC.49.

IC 36-12-2-5.5

Repealed

(Repealed by P.L.84-2012, SEC.20.)

IC 36-12-2-6

Establishment of library; petition or remonstrance; affidavit; duties of clerk of circuit court

Sec. 6. (a) The following apply to a petition or remonstrance filed under section 5 of this chapter:

- (1) The petition or remonstrance must show the following:
 - (A) The date on which each individual signed the petition or remonstrance.
 - (B) The residence of each individual on the date the individual signed the petition or remonstrance.
- (2) The petition or remonstrance must include an affidavit of the individual circulating the petition or remonstrance stating that

each signature on the petition or remonstrance:

(A) was affixed in the individual's presence; and

(B) is the true signature of the individual who signed the petition or remonstrance.

(3) The clerk of the circuit court or the board of registration shall do the following:

(A) Strike all names appearing more than one (1) time on the petition or remonstrance.

(B) Certify the number of signatures on the petition or remonstrance that:

(i) are not duplicates; and

(ii) represent individuals who are registered voters in the county, the part of the county, or the municipality.

(b) The clerk of the circuit court shall complete the certification required by subsection (a) not later than fifteen (15) days after the petition or remonstrance is filed.

As added by P.L.1-2005, SEC.49.

IC 36-12-2-7

Library board appointee; residency

Sec. 7. (a) Except as provided in subsection (b), an appointee to a library board must:

(1) reside in the library district during the time the appointee is on the library board; and

(2) have resided in the library district served by the public library for at least the two (2) years immediately preceding the appointee's appointment to the library board.

(b) This subsection does not apply to a public library established by a county. If part or all of one (1) or more townships are contracting for service from a public library under IC 36-12-3-7, the appointing authority, in making an appointment under section 9(4) of this chapter, may name a resident of one (1) township to serve on the library board as the appointment of the appointing authority. However, the township appointee ceases to be a member of the library board if the township in which the appointee resides fails to renew the township's contract for library service.

As added by P.L.1-2005, SEC.49.

IC 36-12-2-8

Limitation on terms of service; consecutive terms; computation; exception for certain library districts

Sec. 8. (a) Except as provided in subsection (b), an appointee to a library board may not serve more than four (4) consecutive terms on the library board. An unexpired term of two (2) years or less that an individual serves in filling a vacancy on the library board may not be counted in computing consecutive terms for purposes of this subsection. The consecutive terms are computed without regard to a change in the appointing authority that appointed the member. If:

(1) a member's term is interrupted due to the merger of at least two (2) public libraries under IC 36-12-4; and

- (2) the member is reappointed to the merged public library board;

the term that was interrupted may not be considered in determining the number of consecutive terms a member may serve on a library board. An appointee who has served four (4) consecutive terms may be reappointed to the board at least four (4) years after the date the appointee's most recent term ended.

(b) This subsection applies to a library board for a library district having a population of less than three thousand (3,000). If an appointing authority conducts a diligent but unsuccessful search for a qualified individual who wishes to be appointed to serve on the library board:

- (1) the appointing authority may reappoint a board member who has served four (4) or more consecutive terms; and
- (2) state funds may not be withheld from distribution to the library.

The appointing authority shall file with the library board a written description of the search that was conducted under this subsection. The record becomes a part of the official records of the library board. *As added by P.L.1-2005, SEC.49. Amended by P.L.113-2010, SEC.158.*

IC 36-12-2-9

Appointments to library board; membership

Sec. 9. Except as provided in section 15 of this chapter and subject to section 16 of this chapter, seven (7) members of a library board shall be appointed as follows:

- (1) One (1) member appointed by the executive of the county in which the library district is located, or if the district is located in more than one (1) county, jointly by the executives of the respective counties.
- (2) One (1) member appointed by the fiscal body of the county in which the library district is located, or if the district is located in more than one (1) county, jointly by the fiscal bodies of the respective counties.
- (3) Three (3) members appointed by the school board of the school corporation serving the library district. However, if there is more than one (1) school corporation serving the library district:
 - (A) two (2) members shall be appointed by the school board of the school corporation in which the principal administrative offices of the public library are located; and
 - (B) one (1) member shall be appointed by a majority vote of the presidents of the school boards of the other school corporations.
- (4) One (1) member appointed under section 10(1), 11(b)(1), 12(1), 13(1), or 14(1) of this chapter, as applicable.
- (5) One (1) member appointed under section 10(2), 11(b)(2), 12(2), 13(2), or 14(2) of this chapter, as applicable.

As added by P.L.1-2005, SEC.49.

IC 36-12-2-10

Library board serving district located in more than one county; appointments

Sec. 10. This section applies to the appointment of members to the library board of a public library serving a library district that is located in more than one (1) county and is not entirely located within the boundaries of one (1) municipality. For a public library under this section, the appointments under section 9(4) and 9(5) of this chapter shall be made as follows:

- (1) One (1) member appointed jointly by the executive of the respective counties.
- (2) One (1) member appointed jointly by the fiscal bodies of the respective counties.

As added by P.L.1-2005, SEC.49.

IC 36-12-2-11

Library board serving district created in one county; appointments

Sec. 11. (a) This section applies to the appointment of members to the library board of a public library serving a library district that is located in one (1) county and:

- (1) has been established by a county or merged into a county public library;
- (2) results from the merger of a public library into a county public library under IC 36-12-4;
- (3) is located in part or all of two (2) or more townships and is not entirely located within the boundaries of one (1) municipality; or
- (4) is located in part or all of two (2) or more municipalities.

(b) Subject to subsection (c), in a public library described in subsection (a), the appointments under section 9(4) and 9(5) of this chapter shall be made as follows:

- (1) One (1) member appointed by the executive of the county in which the library district is located.
- (2) One (1) member appointed by the fiscal body of the county in which the library district is located.

(c) This subsection applies to a county containing only two (2) Class 1 public libraries and having a population of more than one hundred twenty-five thousand (125,000) but less than one hundred thirty-five thousand (135,000), or more than one hundred fifty thousand (150,000) but less than one hundred seventy thousand (170,000). In a public library that is the result of a merger occurring after December 31, 1979, between a public library and a county contractual public library, the appointments under section 9(4) and 9(5) of this chapter shall be made as follows:

- (1) One (1) member appointed by the executive of the municipality in which the principal administrative offices of the public library are located.
- (2) One (1) member appointed by the legislative body of the municipality in which the principal administrative offices of the public library are located.

As added by P.L.1-2005, SEC.49. Amended by P.L.119-2012, SEC.248.

IC 36-12-2-12

Library board serving district located in unincorporated areas of township; appointments

Sec. 12. This section applies to the appointment of members to the library board of a public library serving a library district that is entirely located in the unincorporated areas of the township. For a public library under this section, the appointments under section 9(4) and 9(5) of this chapter shall be made as follows:

- (1) One (1) member appointed by the executive of the township in which the library district is located.
- (2) One (1) member appointed by the legislative body of the township in which the library district is located.

As added by P.L.1-2005, SEC.49.

IC 36-12-2-13

Library board serving district located in one township; appointments

Sec. 13. This section applies to the appointment of members to the library board of a public library serving a library district that is entirely located in one (1) township and includes part or all of only one (1) municipality. For a public library under this section, the appointments under section 9(4) and 9(5) of this chapter shall be made as follows:

- (1) One (1) member appointed by the legislative body of the township in which the library district is located.
- (2) One (1) member appointed by the legislative body of the municipality in which the library district is located.

As added by P.L.1-2005, SEC.49.

IC 36-12-2-14

Library board serving district located in one municipality; appointments

Sec. 14. This section applies to the appointment of members to the library board of a public library serving a library district that is entirely located within the boundaries of one (1) municipality. For a public library under this section, the appointments under section 9(4) and 9(5) of this chapter shall be made as follows:

- (1) One (1) member appointed by the executive of the municipality in which the library district is located.
- (2) One (1) member appointed by the legislative body of the municipality in which the library district is located.

As added by P.L.1-2005, SEC.49.

IC 36-12-2-15

Library board serving district in certain counties; appointments

Sec. 15. (a) This section applies to the library board of a library district:

- (1) located in a county having a population of more than seventy thousand (70,000) but less than seventy thousand fifty (70,050); and
- (2) containing all or part of the territory of each school corporation in the county.

(b) Notwithstanding section 9 of this chapter, the library board has the following members:

- (1) One (1) member appointed by the executive of the county in which the library district is located and who is not a member of the county executive.
- (2) One (1) member appointed by the fiscal body of the county in which the library district is located and who is not a member of the county fiscal body.
- (3) One (1) member appointed by the legislative body of the most populous city in the library district and who is not a member of the city legislative body.
- (4) One (1) member appointed by the school board of each school corporation having territory in the library district and who is not a member of a governing body of a school corporation.

(c) An individual who is appointed under subsection (b) to serve as a member of a library board must, before March 1 of each year, report to the member's appointing authority concerning the work of the library board and finances of the library during the preceding calendar year, including the rate of taxation determined under IC 36-12-3-12.

As added by P.L.1-2005, SEC.49. Amended by P.L.119-2012, SEC.249.

IC 36-12-2-16

Library board serving district located partly or fully within consolidated city within one county; appointments

Sec. 16. (a) This section applies to the appointment of members to a library board of a public library serving a library district that is:

- (1) partly or fully within the boundaries of a consolidated city; and
- (2) fully within the boundaries of one (1) county.

(b) Seven (7) members of a library board shall be appointed in the following order as the terms of previously appointed members expire:

- (1) One (1) member appointed by the board of county commissioners of the county in which the library district is located.
- (2) One (1) member appointed by the fiscal body of the county in which the library district is located.
- (3) One (1) member appointed by the board of county commissioners of the county in which the library district is located.
- (4) Two (2) members appointed by the school board of the school corporation in which the principal administrative offices of the public library are located.

(5) One (1) member appointed by the board of county commissioners of the county in which the library district is located.

(6) One (1) member appointed by the fiscal body of the county in which the library district is located.

As added by P.L.1-2005, SEC.49.

IC 36-12-2-17

Additional members of county contractual library board; appointments

Sec. 17. The four (4) additional members of a county contractual library board required by IC 36-12-6-2 shall be appointed as follows:

(1) Two (2) members appointed by the executive of the county in which the county contractual library district is located.

(2) Two (2) members appointed by the county superintendent of schools, or if there is no county superintendent of schools, by the county auditor of the county in which the library district is located.

As added by P.L.1-2005, SEC.49.

IC 36-12-2-18

Term of library board member

Sec. 18. (a) Subject to subsection (b), the term of a library board member is four (4) years. A member may continue to serve on a library board after the member's term expires until the member's successor is qualified under section 19 of this chapter. The term of the member's successor is not extended by the time that has elapsed before the successor's appointment and qualification. If a member is appointed to fill a vacancy on a library board, the member's term is the unexpired term of the member being replaced.

(b) Except for a library board whose membership is established under section 15 of this chapter, for purposes of establishing staggered terms for the members of a library board, the initial members shall serve the following terms:

(1) One (1) year for one (1) member appointed under section 9(1), 9(5), 16(b)(1), 16(b)(2), or 17(1) of this chapter.

(2) Two (2) years for one (1) member appointed under section 9(3)(A), 9(4), 16(b)(3), 16(b)(4), or 17(2) of this chapter.

(3) Three (3) years for one (1) member appointed under section 9(2), 9(3)(A), 16(b)(4), 16(b)(5), or 17(1) of this chapter.

(4) Four (4) years for one (1) member appointed under section 9(3)(B), 16(b)(6), or 17(2) of this chapter.

(c) When an appointing authority appoints members to terms of different length under subsection (b), the appointing authority shall designate which member serves each term.

(d) A member may not serve more than four (4) consecutive terms as provided in section 8 of this chapter.

As added by P.L.1-2005, SEC.49. Amended by P.L.113-2010, SEC.159.

IC 36-12-2-19

Certificate of appointment; oath of office

Sec. 19. (a) An appointing authority under this chapter shall issue to each appointee to a library board a signed certificate of appointment.

(b) Not more than ten (10) days after the receipt of the certificate of appointment, the appointee shall take an oath of office, before an individual authorized by law to administer the oath, to the effect that the appointee will faithfully discharge the appointee's duties to the best of the appointee's ability.

(c) The appointee shall file the certificate of appointment and the endorsed oath with the records of the public library, which shall be preserved as a public record.

As added by P.L.1-2005, SEC.49.

IC 36-12-2-20

Removal of member; vacancy

Sec. 20. (a) A library board member may be removed at any time by the appointing authority, after public hearing, for any cause:

- (1) that interferes with the proper discharge of the member's duties as a member of the board; or
- (2) that jeopardizes public confidence in the member.

(b) A vacancy occurs whenever a member is absent from six (6) consecutive regular board meetings for any cause other than illness. The appointing authority shall be notified by the secretary of the board of a vacancy.

As added by P.L.1-2005, SEC.49.

IC 36-12-2-21

Compensation

Sec. 21. A member of a library board shall serve without compensation. A board member may not serve as a paid employee of the public library, except the treasurer as provided in section 22 of this chapter.

As added by P.L.1-2005, SEC.49.

IC 36-12-2-22

Treasurer; election; powers and duties; removal; vacancy; surety bond

Sec. 22. (a) The library board shall annually elect a treasurer of the public library. The treasurer may be either:

- (1) a member of the library board; or
- (2) an employee of the library.

However, the library director appointed under section 24 of this chapter may not also be treasurer.

(b) The library board may fix the rate of compensation for the services of the treasurer.

(c) The treasurer:

- (1) is the official custodian of all library funds;
- (2) is responsible for the proper safeguarding and accounting of

all library funds;

(3) shall issue warrants approved by the library board in payment of expenses lawfully incurred in behalf of the public library; and

(4) shall make financial reports of library funds and present the reports to the library board every month.

(d) The library board may prescribe the powers and duties of the treasurer consistent with this chapter.

(e) The treasurer may be removed by the board at any regular or special meeting by a majority vote of the entire membership of the board.

(f) The board may elect a successor treasurer if a vacancy occurs in the office.

(g) The treasurer shall give a surety bond for the faithful performance of the treasurer's duty and for the accurate accounting of all money coming into the treasurer's custody. The bond must be:

(1) written by an insurance company licensed to do business in Indiana;

(2) for the term of office of the treasurer;

(3) in an amount determined by the library board;

(4) paid for with the money from the library fund;

(5) payable to the state of Indiana;

(6) approved by the library board; and

(7) deposited in the office of the recorder of the county in which the library district is located.

As added by P.L.1-2005, SEC.49.

IC 36-12-2-23

Library board; meetings; election of officers; quorum

Sec. 23. (a) Upon the creation of a new public library, the library board shall meet not later than ten (10) days after a majority of the appointees have taken an oath of office. The organizational meeting may be called by any two (2) members. At the meeting, the board shall:

(1) elect from the members of the board a president, a vice president, a secretary, and other officers that the board determines are necessary; and

(2) adopt bylaws for the board's procedure and management and for the management of the public library.

Officers of the board shall be elected annually.

(b) Four (4) library board members, who are present in person, constitute a quorum for the transaction of business. However, for a county contractual library board under section 17 of this chapter, a quorum consists of six (6) members. The library board shall meet:

(1) at least monthly; and

(2) at any other time a meeting is necessary.

Meetings may be called by the president or any two (2) board members. All meetings of the board, except necessary executive sessions of the officers, are open to the public.

As added by P.L.1-2005, SEC.49. Amended by P.L.84-2012, SEC.21.

IC 36-12-2-24

Selection of director; employment and discharge of librarians; reimbursement of interviewing and moving expenses; severance pay

Sec. 24. (a) The library board shall select a librarian who holds a certificate under IC 36-12-11 to serve as the director of the library. The selection shall be made solely upon the basis of the candidate's training and proficiency in the science of library administration. The board shall fix the compensation of the director. The director, as the administrative head of the library, is responsible to the board for the operation and management of the library.

(b) The library board shall employ and discharge librarians and other individuals that are necessary in the administration of the affairs of the library. The board shall:

- (1) fix and pay the compensation;
- (2) classify and adopt schedules of salaries; and
- (3) determine the number and prescribe the duties;

of the librarians and other individuals, with the advice and recommendations of the library director.

(c) In exercising the powers of the library board under this section, the library board may reimburse:

- (1) candidates for employment for expenses reasonably incurred while interviewing; and
- (2) new employees for the reasonable moving expenses of the employees.

If the library board exercises authority under this subsection, the board shall establish reasonable levels of reimbursement for the purposes of this subsection.

(d) A library board may provide severance pay to a library employee who is involuntarily separated from employment with the library.

(e) A library board may provide severance pay to a library employee who is voluntarily separated from employment with the library if the library board makes the following findings in a public meeting:

- (1) The library is subject to financial difficulties and revenue shortfall.
- (2) The library:
 - (A) will not hire an individual to perform the duties of the employee separating from employment at the same or comparable compensation and benefits for at least one (1) year after the date the employee separates from employment with the library;
 - (B) will hire a permanent or temporary employee for less compensation and benefits to perform the duties of the employee separating from employment; or
 - (C) will satisfy both the conditions in clauses (A) and (B).
- (3) The library will pay the separating employee a stated amount of severance pay.
- (4) The library will reduce its expenditures by:

- (A) paying the severance pay stated under subdivision (3) to the employee separating from employment; and
- (B) fulfilling one (1) or more of the conditions set forth in subdivision (2).

As added by P.L.1-2005, SEC.49. Amended by P.L.63-2011, SEC.1.

IC 36-12-2-25

Local library cards; fees; penalties for loss or damage of library property

Sec. 25. (a) The residents or real property taxpayers of the library district taxed for the support of the library may use the facilities and services of the public library without charge for library or related purposes. However, the library board may:

- (1) fix and collect fees and rental charges; and
- (2) assess fines, penalties, and damages for the:
 - (A) loss of;
 - (B) injury to; or
 - (C) failure to return;

any library property or material.

(b) A library board may issue local library cards to:

- (1) residents and real property taxpayers of the library district;
- (2) Indiana residents who are not residents of the library district; and
- (3) individuals who reside out of state and who are being served through an agreement under IC 36-12-13.

(c) Except as provided in subsection (e), a library board must set and charge a fee for:

- (1) a local library card issued under subsection (b)(2); and
- (2) a local library card issued under subsection (b)(3).

(d) The minimum fee that the board may set under subsection (c) is the greater of the following:

- (1) The library district's operating fund expenditure per capita in the most recent year for which that information is available in the Indiana state library's annual "Statistics of Indiana Libraries".
- (2) Twenty-five dollars (\$25).

(e) A library board may issue a local library card without charge or for a reduced fee to an individual who is not a resident of the library district and who is:

- (1) a student enrolled in or a teacher in a public school corporation or nonpublic school:
 - (A) that is located at least in part in the library district; and
 - (B) in which students in any grade from preschool through grade 12 are educated; or
- (2) a library employee of the district;

if the board adopts a resolution that is approved by an affirmative vote of a majority of the members appointed to the library board.

(f) A library card issued under subsection (b)(2), (b)(3), or (e) expires one (1) year after issuance of the card.

As added by P.L.1-2005, SEC.49. Amended by P.L.91-2009, SEC.1;

P.L.113-2010, SEC.160; P.L.84-2012, SEC.22; P.L.13-2013, SEC.155.

IC 36-12-2-26

Dissolution

Sec. 26. (a) Dissolution of a library district is initiated when the legislative body of each municipality, township, or county that is a part of the district and library board of the district adopt identical resolutions proposing to dissolve the district by an affirmative vote of a majority of the voting members of each legislative body and library board.

(b) Copies of the resolutions adopted under subsection (a) shall be filed not later than ten (10) days after the resolution is adopted with:

- (1) the state library; and
- (2) the county recorder of each county in which the library district is located.

(c) A dissolution does not take effect until:

- (1) all legal and fiscal obligations of the library district have been satisfied;
- (2) the assets of the district have been distributed; and
- (3) a notice is filed with the agencies listed in subsection (b), indicating that the actions described in subdivisions (1) and (2) have been completed and the dissolution is final.

As added by P.L.113-2010, SEC.161.